IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 13242 of 2004

Between:

Smt. Shaik Nasiboon, @ Shaik Nasima w/o Late shaik Mabu
R/o Vunnava Village, Yedlapadu Mandal Guntur District

..... PETITIONER

AND

1 The District Collector, Guntur District, Guntur.
2 The Mandal Revenue Officer, Yedlapadu Mandal,

Yedlapadu, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for records relating to and in connection with impugned order dated 19-07-2004 vide Rc.No.176/2004/Supt. issued by the 2nd respondent and quash the same.

Counsel for the Petitioner: MR.RAMA RAO GANTA, Advocate.

Counsel for the Respondents: Govt. Pleader for REVENUE.

The Court made the following:

Oral Order:

Heard the learned counsel for the petitioner and also learned Government Pleader for Revenue.

Rule Nisi.

By the impugned notice dated 19-07-2004, the petitioner was informed that land measuring Ac.3.59 cts. in Sy.No.51-3 was described as Atchiraju Cheruvu Poramboku; in the revenue records she was shown as encroacher and no patta can be granted in the tank bed land and accordingly, petitioner was called upon to vacate the said land. Failing to do so necessary action will be taken in accordance with law. Petitioner without responding to the notice straightaway moved this Court by way of present writ petition.

Since occupation of the tank bed land is objectionable and the same has to be restored to its original position, respondents are under obligation to conduct an enquiry whether the land in question is a tank bed land or not.

In view of the same, petitioner is at liberty to submit her explanation to the impugned notice dated 19-07-2004, and on filing such explanation respondents shall consider the same and pass appropriate orders after due opportunity to the petitioner. Till such order is passed *status quo* with regard to possession shall be maintained.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Murthy

ASSISTANT REGISTRAR

*// **TRUE COPY** //*

SECTION OFFICER

To

1 The District Collector, Guntur District, Guntur.
2 The Mandal Revenue Officer, Yedlapadu Mandal,

Yedlapadu, Guntur District.

3. Two CCs to the Govt. Pleader for Revenue, High Court

Buildings, Hyderabad (OUT).

4.Two CD copies.